

## Department of Transportation

## 1201.301-70

award will not be made until OMB approval of the information collection requirements of the proposed contract has been obtained; and

(2) Enough time is permitted to allow receipt of OMB approval prior to contract award.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50248, Sept. 25, 1996, as amended at 62 FR 67750, Dec. 30, 1997]

### Subpart 1201.2—Administration

#### 1201.201 Maintenance of the FAR.

##### 1201.201-1 The two councils.

(b) The SPE is responsible for providing a DOT representative to the Civilian Agency Acquisition Council.

[59 FR 40270, Aug. 8, 1994, as amended at 64 FR 2436, Jan. 14, 1999]

### Subpart 1201.3—Agency Acquisition Regulations

#### 1201.301 Policy.

(a)(1) *Acquisition regulations*—(i) *Departmentwide acquisition regulations.* The authority of the agency head under (FAR) 48 CFR 1.301(a)(1) is delegated to the Assistant Secretary for Administration.

(ii) *Operating administration acquisition regulations.* Operating administration acquisition regulations, and any changes thereto, shall be reviewed and approved by the SPE for insertion into the TAR as a TAR supplemental regulation before the SPE submits the proposed coverage for publication in the FEDERAL REGISTER in accordance with (FAR) 48 CFR 1.501. Operating administration regulations may be more restrictive or require higher approval levels than those permitted by (TAR) 48 CFR chapter 12 unless specified otherwise.

(2) Acquisition procedures. The authority of the agency head under (FAR) 48 CFR 1.301(a)(2) to issue or authorize the issuance of internal agency guidance at any organizational level has been delegated to the SPE.

(i) Departmentwide acquisition procedures. DOT internal operating procedures are contained in the Transportation Acquisition Manual (TAM).

(ii) OA acquisition procedures. Procedures necessary to implement or supplement the FAR, TAR, or TAM may be issued by the HCA, who may delegate this authority to any organizational level deemed appropriate. OA procedures may be more restrictive or require higher approval levels than those permitted by the TAM unless specified otherwise.

(b) The authority of the agency head under (FAR) 48 CFR 1.301(b) to establish procedures to ensure that agency acquisition regulations are published for comment in the FEDERAL REGISTER in conformance with the procedures in FAR Subpart 1.5 is delegated to the Assistant General Counsel for Regulation and Enforcement (C-50).

[59 FR 40270, Aug. 8, 1994, as amended at 64 FR 2436, Jan. 14, 1999]

#### 1201.301-70 Amendment of (TAR) 48 CFR chapter 12.

(a) Changes to the regulation may be the result of recommendations from internal DOT personnel, other Government agencies, or the public. These changes are to be submitted in the following format to the Office of Acquisition and Grant Management, 400 7th Street, S.W., Washington, DC 20590:

(1) *Problem:* Succinctly state the problems created by current TAR language and describe the factual and/or legal reasons necessitating regulatory change.

(2) *Recommendation:* Identify the recommended change by using the current language and lining through the words being deleted and inserting proposed language in brackets. If the change is extensive, deleted language may be displayed by forming a box with diagonal lines connecting the corners.

(3) *Discussion:* Explain why the change is necessary and how the change will solve the problem. Address any cost or administrative impact on Government activities, offerors, and contractors. Provide any other helpful information and documents such as statutes, legal decisions, regulations, reports, etc.

(4) *Point of contact:* Provide a point of contact for answering questions regarding the recommendation.

(b) The TAR will be maintained by the SPE through the TAR/TAM change

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process (i.e., representatives from DOT operating administrations specifically designated to formulate Departmental acquisition policies and procedures).

(1) *Transportation Acquisition Circular (TAC)*. TACs containing loose-leaf replacement pages which revise parts, subparts, or paragraphs (also see (TAR) 48 CFR 1201.301-72 below) will be used to amend (TAR) 48 CFR chapter 12. Each replacement page will bear at the top the TAC number and date. A vertical bar next to the coverage indicates that a change has been made.

(2) *TAR Notice (TN)*. (i) TNs shall be issued when interim guidance is necessary and as often as may be necessary, under any of the following circumstances:

(A) To promulgate, as rapidly as possible, selected material in a general or narrative manner, in advance of a TAC issuance;

(B) To disseminate other acquisition related information; or

(C) To issue guidance which is expected to be effective for a period of 1 year or less.

(ii) Each TN will terminate upon its specified expiration date.

[59 FR 40270, Aug. 8, 1994, as amended at 62 FR 26419, May 14, 1997]

### 1201.301-71 Effective date.

Unless otherwise stated, the following applies—

(a) Statements in TACs or TNs to the effect that the material therein is “effective upon receipt,” “upon a specified date,” or that changes set forth in the document are “to be used upon receipt,” mean that any new or revised provisions, clauses, procedures, or forms must be included in solicitations, contracts or modifications issued thereafter; and

(b) Unless expressly directed by statute or regulation, if solicitations are already in process or negotiations complete when the TAC or TN is received, the new information (e.g., forms and clauses) need not be included if it is determined by the chief of the contracting office that its inclusion would not be in the best interest of the Government.

## 48 CFR Ch. 12 (10-1-02 Edition)

### 1201.301-72 TAC or TN numbering.

TACs and TNs will be numbered consecutively on a fiscal year basis beginning with number “01” prefixed by the last two digits of the fiscal year (e.g., TNs 94-01 and 94-02 indicate the first two TNs issued in fiscal year 1994).

### 1201.304 Agency control and compliance procedures.

(a) DOT shall control the proliferation of acquisition regulations and any revisions thereto (except as noted in paragraph (b) of this section) by using an internal TAR change process that involves input from many DOT elements including operating administration representatives on the Procurement Management Council. The operating administration member shall represent their operating administration’s viewpoint along with Departmentwide considerations in reaching a decision on TAR changes.

(b) Operating administration-unique regulations will not be processed through the TAR Council System, but shall be reviewed by operating administration legal counsel and submitted to M-60 for review and approval. (See (TAR) 48 CFR 1252.101 for additional instructions pertaining to provisions and clauses.)

[59 FR 40270, Aug. 8, 1994, as amended at 62 FR 26420, May 14, 1997]

## Subpart 1201.470—Deviations From the FAR and TAR

### 1201.403 Individual deviations.

The authority of the agency head under (FAR) 48 CFR 1.403 and (TAR) 48 CFR chapter 12 is delegated to the Head of the Contracting Activity or designee no lower than Senior Executive Service (SES)/Flag Officer level. However, see Transportation Acquisition Manual (TAM) 1201.403. The TAM is available through the Government Printing Office.

[61 FR 50249, Sept. 25, 1996]